Small, Medium and Large Working Waterfronts
Establishing Value and Protecting from Encroachment

Port Preservation using Zoning and Land Use Regulation

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City of Portland, Maine
Presentation Focus

- Structure of and tools within Portland's waterfront zoning
- The focus will be on the relationship between zoning and marine industrial preservation as applied to various areas within our harbor.

- The variables involve differing water depths, intensities and types of commercial marine activity, private verses public ownership, and the extent to which mixed use is promoted/allowed/prohibited based on those variables.
The City of Portland is Maine’s largest municipality with a population of 66,000 within a metro region of 250,000. Portland is a financial, transportation, and service center for Northern New England.

The Port of Portland is divided between the cities of Portland and South Portland

* Liquid bulk freight and recreational berthing dominate the South Portland shore

* Commercial Fishing, bulk and break bulk freight, and passenger service characterize the Portland shore
Non-Marine Uses Must respect the functional needs of higher priority uses and provide needed revenue to invest in marine infrastructure.
Policies are applied differently according to water depth and type and intensity of marine uses.
- Promote **marine industry** and **infrastructure**
- Allow **compatible** and **supportive** non-marine uses
- Enforce compatibility through **performance based zoning**
Eastern Waterfront Port Zone:

- Passenger Industry
- Limited Potential for Mixed Use
- Other marine uses allowed
Waterfront Port Development Zone:
- Freight
- Heavy Industry
Waterfront Central Zone:
- Fishing
- Tourism
- Mixed Use
<table>
<thead>
<tr>
<th>Zone</th>
<th>Water Depth – Types of vessels supported</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waterfront Port Development Zone</td>
<td>Deep Water, Dredged Channel • Freight • Marine Construction</td>
</tr>
<tr>
<td>Eastern Waterfront Port Zone</td>
<td>Deep Water, Dredged Channel</td>
</tr>
<tr>
<td></td>
<td>Shallows near shore • Local Island Ferry • Cruise ships • International (inactive)</td>
</tr>
<tr>
<td></td>
<td>• Tugs • Marinas allowed in shallows – <em>Out of the way</em></td>
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<tr>
<td>Waterfront Central Zone</td>
<td>Some deep water with siltation between piers • Groundfishing and Lobster</td>
</tr>
<tr>
<td></td>
<td>• Tour boats • Marinas (no expansion allowed) • Petrol. transport support</td>
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<tr>
<td>Zone</td>
<td>Intensities and Types of Commercial Marine Activity</td>
</tr>
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</tbody>
</table>
| **Waterfront Port Development Zone**| • Intermodal Transport  
• Boat/Ship Repair  
• Seafood processing/wholesaling/shipping by conditional use                                                      |
| **Eastern Waterfront Port Zone**    | • Intermodal Transport  
• Boat/Ship Repair  
• Seafood processing/wholesaling/shipping by conditional use  
• Marinas by conditional use (shallow water only)                                                                |
| **Waterfront Central Zone**         | • Fishing  
• Seafood processing/wholesaling/shipping  
• Seafood retail  
• Boat repair  
• Marine tourism  
• Marine products retailing  
• Virtually any marine support industry                                                                            |
<table>
<thead>
<tr>
<th>Zone</th>
<th>Private verses Public ownership</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Waterfront Port Development Zone</strong></td>
<td>Mixed public and private large parcels - over 10 acres - Typical</td>
</tr>
<tr>
<td><strong>Eastern Waterfront Port Zone</strong></td>
<td>Entirely Public – Can be treated like an airport</td>
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<tr>
<td><strong>Waterfront Central Zone</strong></td>
<td>Mostly private - Includes street-frontage buildings with no water access</td>
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<tr>
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<td>Private commercial piers (mostly 19th century)</td>
</tr>
<tr>
<td></td>
<td>Quasi-public Fish Pier – industrial subdivision housing the fish auction and private processing fish plants</td>
</tr>
<tr>
<td>Zone</td>
<td>Mixed Use (non-marine) allowed?</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| **Waterfront Port Development Zone**    | Almost none allowed  
*Non-marine industrial uses allowed subject to Conditional Use Standards:*  
  “physically adaptable or re-locatable”                                           |
| **Eastern Waterfront Port Zone**         | Passenger support uses (retail, car rental, like an airport)  
Limited by square footage and %  
Broad allowances for upper floor office use  
Broader allowances considered as a re-zoning                                     |
| **Waterfront Central Zone**              | Non-marine overlay – along street, 100% non-marine subject to marine investment requirement  
45% of ground floors beyond the overlay  
100% of Upper floors everywhere  
Heavily reliant on performance standards protecting access  
No residential use – no (more) recreational boats |
Thoughts on Mixed Use as a port preservation tool:
• Revenues are helpful when the public well runs dry
• Compatibility (marine with non-marine) is a design problem and can be addressed in some, but not all situations

Thoughts on Zoning as a Port Preservation Tool:
• Zoning is not a substitute for a port/harbor management plan – only a component
• Zoning allows change, but does not cause change
• Zoning does not change market realities – if you zone it, they may not come
• Be proactive and reflective:

   Plan – Zone – Evaluate – Revise
Thank you. Questions?

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